

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK L. KING,)	
)	
Plaintiff,)	
)	Civil Action No. 09-175 Pittsburgh
v.)	
)	
MICHAEL BARONE, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 12, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 55], filed on August 4, 2011, recommended that the partial motion for summary judgment [ECF No. 49] be granted. The parties were allowed fourteen (14) days from the date of service to file objections. Defendants filed objections [ECF No. 56] on August 22, 2011. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 29th day of August, 2011;

IT IS HEREBY ORDERED that the partial motion for summary judgment [ECF No. 49] is GRANTED. The Report and Recommendation [ECF No. 55] of Magistrate Judge Baxter, filed on August 4, 2011, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Defendants shall have twenty (20) days to file a motion for summary judgment and supporting brief relative to the Plaintiff's claim for deliberate indifference to his medical needs. Plaintiff shall file a response to said motion for summary judgment within thirty (30) days of its filing.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge